

Application No. 10/038,255

(Jebara)

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REMARKS GENERAL

Claims 50-52 and 54 were rejected under 35 U.S.C. 112(b) as being anticipated by Norman et al Patent No. (6,070,372) in the latest office action. Norman's discloses an enclosure consisting of a climate controlled fold-out room that is selectively positionable in a collapsible configuration and comprising: a utility enclosure(10) mounted on a concrete slab (20) consisting of an exterior shell (30) having a plurality of walls (40, 42, 44, 46 & 48) with a roof (40). The said enclosure is accessible for at least one maintenance personnel and climate controlled by an air conditioning unit (65).

Claims 53, 55 & 62-64 were objected to as being dependent upon a rejected base claim.

Applicant requests cancellation of claims 50 through 61 of record and substitution of new claims 65 to 76. New claims were rewritten to define the invention patentably over the reference.

The Rejection of Claim 50 is Overcome in Rewritten Claim 65

The new claim 65 is rewritten to define the invention patentably over Norman.

Norman and Difference of Present Invention

Norman's invention is the connectable auxiliary fold-out room and not the enclosure per se.

Norman discloses one or more auxiliary fold-out room for connection to an utility enclosure. Enclosure (10) is mounted on a concrete slab (20) and consists of walls (42, 44, 46 & 48), and roof (40) and has an air-conditioner (65). Fold-out room (12) consists of a top panel (70), bottom panel (100), side panels (120 & 140), and rear panels (190 & 200). Fold-out room is supported by the enclosure as the panels are attached to the enclosure with hinges (80, 110, 175 & 180).

Enclosure houses utility devises and can not accept a maintenance person inside, only the fold-out room is capable of accepting a maintenance person.

The present invention is a self-contained air-conditioned enclosure assembly providing a climate controlled environment for occupancy. The enclosure does not house any utility devises but

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defines an enclosed space that can be occupied. The occupied space inside the enclosure is directly connected to the climate control device.

Some of the differences between Norman's and the present invention are tabulated as follows:

Norman's	Present Invention
Invention is the fold-out room that is connectable to a utility enclosure.	Invention is the enclosure- air conditioner assembly.
The fold-out room can accept a maintenance person and not the enclosure which houses utility equipments.	The enclosure can accept an occupant and there is no auxiliary fold out room.
Fold-out room is supported by enclosure.	The enclosure consisting of frame members is self-supporting.
The occupied fold-out room is cooled by air flow through the enclosure, and not directly from the air conditioner.	The occupied space of the enclosure is directly connected to the air conditioner.
The foldout room has panels 70, 100, 120, 140, 190 and 200.	The enclosure has a roof and four walls and the fold-out rooms and panels are eliminated.

New claim 65 is rewritten to further distinctly show the novel and unobvious physical features of the invention over the reference by inclusion of 'self-supporting', and 'enclosed space'. Also narrowing the claim with the addition of 'enclosed space is of sufficient size capable of receiving at least one occupant', 'directly connectable' and 'whereby said enclosure defines an enclosed space when erected, and said climate controlling outlet of said climate control device is directly connected to said first opening to supply climatic controlled air to said occupant of said enclosed space'.

The Rejection of Claims 51 is Overcome in Rewritten Claim 66

This claim recites the slab, the slab of the reference is exterior to the climate controlled occupied space of the foldout room, whereas in the present invention the slab is interior to the occupied space. The claim is rewritten to further distinguish over the reference by addition of 'said slab is of sufficient size capable of receiving at least one occupant' and 'said lower portion of said side walls surround said slab, said slab located within said enclosed space'.

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The Rejection of Claims 52 is Overcome in Rewritten Claim 67

Claim 52 recites the support structure and is rewritten to include 'said support structure comprising plurality of frame members', the novel physical feature of frame members.

Objection of Claim 53 is Overcome, Rewritten Claim 68

Claim 53 is objected to as being dependent upon a rejected base claim. As shown above the base claim has been revised to overcome rejection and hence the objection to this claim is overcome. This claim is edited with the new base claim number.

The Rejection of Claim 54 is Overcome in Rewritten Claim 69

This claim cites the second opening incorporated in the sidewall. The second opening is the exit for air displaced by air supplied by the climate control device. This claim is rewritten to further distinctly state the second opening's location by adding 'to exit air from said enclosed space, positioned at a substantial distance from said first opening' and 'Whereby said climate control device is directly connected to said first opening to supply climate controlled air to said enclosed space and said second opening exit air from said enclosed space'.

Objection of Claims 55-61 is Overcome, Rewritten Claims 70-76

Claims 55-61 were objected to as being dependent upon a rejected base claim. The base claim has been revised as shown above to overcome rejection and hence the objection to these claims is overcome. These claims are edited with the new base claim number.

Conclusion

For all of the above reasons, applicant submits that the claims are now in the manner required by 35 U.S.C. 112, second paragraph to be definite, specific, organized and correlated. Therefore, the applicant submits that this application is now in condition for allowance, which action is respectfully solicited.

SENT BY:

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Conditional Request for Constructive Assistance

Applicant has amended the claims of this application so that they distinctively point out the invention. If, for any reason this application is not believed to be in full condition of allowance, applicant respectfully requests suggestions of the Examiner pursuant to M.P.E.P 2173.02 in order that the undersigned can place the application in allowable condition at the earliest without the need for further proceeding.

Very respectfully,


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